

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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:
SECURITIES AND EXCHANGE
COMMISSION, :
:
Plaintiff, : 05 Civ. 5231 (RJS)
:
-against- :
:
AFFIDAVIT OF PAULA K. COLBATH
AMERINDO INVESTMENT ADVISORS INC., :
et al., :
:
Defendants. :
:
----- X

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) SS.

PAULA K. COLBATH, being duly sworn, deposes and says:

1. I am a member of the law firm Loeb & Loeb LLP ("Loeb"), attorneys for Interested Parties Alfred Heitkonig, Elna Charlotte Olga a/k/a Elna Heitkonig and Maaike Olga Maria Hickok a/k/a Maaike Heitkonig ("the Heitkonig Interested Parties") in this action.

2. I make this affidavit in support Loeb's motion for an Order pursuant to Rule 1.4 of the Local Rules of the Southern and Eastern District of New York permitting Loeb to withdraw as counsel of record for the Heitkonig Interested Parties in this action.

3. This Receivership Proceeding is currently active. There is no trial date scheduled on this Court's calendar nor is one expected to be held by this Court. There are also no current case management orders with any pending deadlines.


4. On August 25, 2017, the Heitkonig Interested Parties filed a notice of cross-appeal from the appeals filed from this Court's July 14, 2017 Opinion and Order. This appeal remains pending with the United States Court of Appeals for the Second Circuit.

5. This request to withdraw is made because (1) Leo Esses, Esq. of The Esses Law Group, LLC has filed a Notice of Appearance on behalf of Maaïke Heitkonig, and (2) Maaïke Heitkonig and Elna Heitkonig are also being advised on Amerindo related matters by the firm of Smigel Anderson & Sacks LLP. Furthermore, Mr. Alfred Heitkonig has advised me that he wishes to proceed *pro se* in this matter.

6. Loeb will not be asserting charging lien with respect to any fees it is owed.

7. The Heitkonig Interested Parties are being served with these papers in accordance with Local Rule 1.4.

WHEREFORE, it is respectfully requested that Loeb's motion be granted and that it be permitted to withdraw as counsel for the Heitkonig Interested Parties.



Paula K. Colbath

Sworn to before me this
2nd day of January, 2018



Notary Public

TIMOTHY B. CUMMINS
Notary Public, State of New York
No. 01CU6113096
Qualified in New York County
Commission Expires July 19, 2020